

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shane Swanson on 3/26/09.

The application has been amended as follows:

IN THE CLAIMS:

Claims 44-47, 54-56, 59-61, 64-80, 87-94 are cancelled.

Replace Claim 81 with the following:

- 81. A method of treating a vascular aneurysm, comprising:
- providing an expandable support device having a substantially cylindrical body member located between a first and second end, said cylindrical body member having at least one circumferential element between said first and said second end defining an internal lumen in communication with said first and second ends, said support device having fenestrations and a reactive material selectively applied to not all of the fenestrations of said support device, wherein blood is capable of flowing through said internal lumen and flowing radially through said fenestrations into the aneurysm;
 - delivering the device to a vascular aneurysm from within a blood vessel;

supporting tissue proximate said aneurysm with said device; permitting blood to flow through said blood vessel, some of the blood flowing radially outward through said fenestrations; and

activating said reactive material disposed on said device to increase the resistance to blood flow through certain fenestrations of said support device to the aneurysm. --

2. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach and/or render obvious the method of treating a vascular aneurysm comprising, inter alia, providing a substantially cylindrical expandable support device having an internal lumen and fenestrations and a reactive material selectively applied to not all of the fenestrations of said support device, wherein blood is capable of flowing through said internal lumen and flowing radially through said fenestrations into the aneurysm; and activating said reactive material, thereby resulting in expansion of the hydrogel and lessening of the size of the adjacent fenestrations, and thereby increasing the resistance to blood flow through those fenestrations to the aneurysm.

The examiner agrees with the applicant's remarks filed on 3/9/09 that neither the Silvestrini reference (5,234,456) or the Mehta reference (5,258,042) teach or make obvious a reactive material disposed on a support device for increasing the resistance to blood flow through certain fenestrations of said support device when said reactive material is activated (expansion of hydrogel to lessen the size of the fenestrations).

Note that claim 86, directed to a nonelected species, is no longer withdrawn from consideration because the claim requires all the limitations of an allowable claim. The restriction requirement is hereby withdrawn. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez whose telephone number is (571)272-4695. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darwin P. Erezol/
Primary Examiner, Art Unit 3773